IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS WICHITA FALLS DIVISION

RICHARD JAMES JOHNSON,	§	
TDCJ No. 1005689,	§	
	§	
Petitioner,	§	
	§	
v.	§	Civil Action No. 7:18-cv-088-O-BP
	§	
LORIE DAVIS, Director,	§	
Texas Department of Criminal Justice,	§	
Correctional Institutions Division,	§	
	§	
Respondent.	§	

ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

This is a habeas action brought pursuant to 28 U.S.C. § 2254 in which Petitioner challenges the validity of two prison disciplinary actions. The United States Magistrate Judge entered his Findings, Conclusions, and Recommendation in which he recommends that the petition be dismissed without prejudice as moot because the disciplinary actions at issue have been overturned by the Texas Department of Criminal Justice. *See* ECF No. 17. The parties did not file objections to the recommendation.

The District Court has reviewed the Findings, Conclusions, and Recommendation for plain error. Finding no error, I am of the opinion that the findings of fact, conclusions of law, and reasons for denial set forth in the Magistrate Judge's recommendation are correct and they are hereby adopted and incorporated by reference as the Findings of the Court with the following modification:

The petition will be dismissed "with prejudice" as moot. *See Ahmadi v. Davis*, No. 4:17-cv-3636, 2018 WL 6329663 at *1 (S.D. Tex. Dec. 3, 2018) (dismissing moot habeas claims "with

prejudice"); *Chadman v. Fowler*, No. 4:17-cv-703-O, 2018 WL 4051868 at *4 (N.D. Tex. Aug. 24, 2018) (same).

Accordingly, the petition for writ of habeas corpus is **DISMISSED** with prejudice as **MOOT**.

SO ORDERED this 28th day of February, 2019.

Reed O'Connor

UNITED STATES DISTRICT JUDGE